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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: YAGETA et al.

Serial No.: 10/061,975

Filed: January 31, 2002

For: FILM-SEALED NON-AQUEOUS ELECTROLYTE BATTERY...

Group: 1752

Examiner: Le, Hoa Van

DOCKET: NEC PF2946

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

This letter is in response to the PTO communication mailed March 3, 2005.

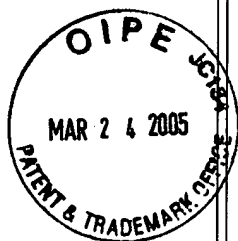
The Korean office Action dated February 26, 2004 actually was submitted with an IDS under Certificate of Mailing on May 3, 2004, i.e., within three months of the date of the Korean Office Action. What was submitted on July 14, 2004 was a copy of that earlier submission.

Thus, there are not "two separate and distinct certified mailing dates" for the IDS.

Since the IDS was originally submitted over a month prior to the issuance of Notice of Allowance, and over four months before payment of the issue fee, it is respectfully requested that the IDS should have been considered substantively.

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It is noted the Examiner has signed off on Form PTO-1449 and therefore it is presumed that the art in fact has been considered.

Respectfully submitted,

Norman P. Soloway
Attorney for Applicant
Reg. No. 24,315

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 18, 2005, at Tucson, Arizona.

By

NPS:sb

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